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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

19 *In re Carrier IQ, Inc. Consumer Privacy
Litigation*

21 [This Document Relates to All Cases]

Case No. C-12-md-2330-EMC

**FURTHER JOINT CASE
MANAGEMENT CONFERENCE
STATEMENT**

Date: November 14, 2013
Time: 11:00 a.m.
Place: Courtroom 5, 17th Floor
Judge: Hon. Edward M. Chen

Pursuant to the Clerk's Notice Setting Further Case Management Conference (Dkt. No. 196), Plaintiffs' Interim Co-Lead Counsel and Counsel for Defendants Carrier IQ, Inc., HTC America, Inc., Huawei Devices USA, Inc., LG Electronics MobileComm U.S.A, Inc., Motorola Mobility LLC, Pantech Wireless, Inc., and Samsung Telecommunications America, LLC (collectively, "Defendants") submit the following Further Joint Case Management Statement reporting progress or changes since the last statement was filed in advance of the Further Case Management Conference currently scheduled for November 14, 2013.

1. MOTIONS

A. Consolidated Motion to Compel Arbitration

Defendants' Consolidated Motion to Compel Arbitration and to Stay Litigation was filed on November 20, 2012 (Dkt. Nos. 129 – 135). As described in further detail below, the parties are engaged in arbitration-related discovery. Plaintiffs' Opposition to Defendants' Motion to Compel Arbitration shall be due within 40 days of the completion of arbitration-related discovery, or denial of any motions to compel arbitration-related discovery. Dkt. No. 125. Defendants' Reply in support of their Motion to Compel Arbitration shall be filed no later than 30 days after the filing of Plaintiffs' Opposition. *Id.*

2. DISCOVERY

A. Arbitration-Related Discovery

On September 6, 2013, the parties filed a joint letter brief regarding their dispute as to Plaintiffs' arbitration-related discovery requests. Dkt. No. 172. In the joint letter brief, Plaintiffs moved to compel the following three categories of information from Defendants: (1) all Carrier IQ software "profiles" used on each Plaintiff's phone; (2) identification of all data types transmitted by Carrier IQ software from each Plaintiff's phone and the recipients and frequency of transmission to those recipients; and (3) whether the Carrier IQ software had been removed or disabled from any Plaintiff's phone, and, if so, communications with wireless carriers about that topic (Interrogatories 11-13). *See id.* at 1-5. On September 10, 2013, this Court referred the discovery dispute to Magistrate Judge Cousins.

On September 27, 2013, Magistrate Judge Cousins issued the Order Re: Joint Discovery Letter Briefs (Dkt. No. 194), ordering Defendants to (1) “produce the profiles that were installed or loaded on each plaintiff’s mobile device,” and ordering further that “defendants collectively are only required to produce one copy of each pertinent profile”; and (2) respond to Interrogatories 11-13 as provided in the Order by October 18, 2013. On October 7, 2013, the parties filed a Stipulation and (Proposed) Order to continue the time for Defendants to respond to Interrogatories 11-13 from October 18, 2013 to November 8, 2013. Dkt. No. 197. The Court granted that Order on October 8, 2013. Dkt. No. 198. Defendants filed a motion for partial relief from Magistrate Judge Cousins’ - September 27 Order (Dkt. No. 200), which this Court denied on October 16, 2013 (Dkt. No. 202).

On October 18, 2013, Carrier IQ produced the software profiles in its possession, custody, or control corresponding to the mobile device for each Plaintiff that subscribed to Sprint or Cricket as their wireless service provider. Carrier IQ also informed Plaintiffs that it does not have possession, custody, or control of the data that would enable it to determine the profiles corresponding to the mobile devices for the Plaintiffs that subscribed to AT&T as their wireless service provider and that such data is in the possession, custody, or control of AT&T. Absent further agreed-upon extension, Defendants anticipate serving their responses to Interrogatories 11-13 pursuant to Magistrate Judge Cousins’ September 27 Order on November 8, 2013.¹

3. OTHER

A. Google

The deadline for Plaintiffs and Google to file their joint discovery letter brief is November 13, 2013, per the Court’s October 8, 2013 Order Continuing Time. Dkt. No. 198. On October 9, 2013, Plaintiffs and Google filed a joint letter updating the Court regarding their meet and confer discussions. Dkt. No. 199. Plaintiffs will review the discovery responses from Defendants and intend to further meet and confer with Google regarding the content of those

¹ Defendant HTC America, Inc. (“HTCA”) has requested certain identifying information from several plaintiffs in order to respond to Interrogatory No. 13. Plaintiffs are in the process of providing that information. HTCA and Plaintiffs have agreed to a one-week extension with regard only to HTCA’s response to Interrogatory No. 13.

discovery responses, with particular focus on whether Defendants' discovery responses obviate or lessen the need for discovery from Google. Absent a complete agreement, Plaintiffs and Google will file a joint discovery letter brief on November 13, as ordered.

B. Carriers

Plaintiffs expect to receive responsive declarations from each of the third-party carriers shortly.

Dated: November 7, 2013

By: /s/ Robert F. Lopez

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ATTESTATION

I, Jennifer J. Johnson, am the ECF User whose identification and password are being used to file this **FURTHER JOINT CASE MANAGEMENT CONFERENCE STATEMENT**. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

Dated: November 7, 2013

/s/ Jennifer J. Johnson

Jennifer J. Johnson

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